

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH RIPPE,

3:11-CV-1019-PK

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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BROWN, Judge.

On November 19, 2012, Magistrate Judge Paul Papak issued Findings and Recommendation (#22) recommending the Court **REVERSE** the Commissioner's final decision denying Plaintiff's application for Disability Insurance Benefits (DIB) pursuant to Title II of the Social Security Act (SSA), 42 U.S.C. §§ 401-34, and his application for Supplemental Security Income (SSI) pursuant to Title XVI of the SSA, 42 U.S.C. § 1381-83(f), and **GRANT** the Commissioner's Motion (#17) to Remand for further administrative proceedings.

Plaintiff filed timely Objections to the Findings and Recommendation and opposed the Motion to Remand for further administrative proceedings. The matter is before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's

report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has reviewed the record *de novo*, including Plaintiff's Objections. The Court concludes Plaintiff's Objections do not provide a basis to modify the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#22) in its entirety and **GRANTS** the Commissioner's Motion (#17) to Remand for further administrative proceedings. Accordingly, the Court **REVERSES** the Commissioner's decision and **REMANDS** this matter to the Commissioner for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405.

IT IS SO ORDERED.

DATED this 14th day of January, 2013.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge